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June 29, 2004

Boards of Selectmen of the following Towns: Dartmouth, Fairhaven, Mattapoisett, Marion, Bourne, Falmouth and Gosnold

Ladies and Gentlemen:

In accordance with Chapter 130, Section 74A of the Massachusetts General Laws, The Division of Marine Fisheries has re-examined the areas listed below in the Towns of Dartmouth, Fairhaven, Mattapoisett, Marion, Bourne and Falmouth and Gosnold, closed on April 28 and/or April 30, 2003 due to the release of oil from Bouchard Barge #120.

As a result of this examination which included advice from the Massachusetts Department of Public Health, Bureau of Environmental Health Assessment and the Food Protection Program and consultation with the Massachusetts Department of Environmental Protection, the Division has determined that the ban on shellfish harvesting due to oil contamination may be rescinded in the areas listed below. **All bacterial closures in effect prior to the oil spill closures of April 28 and April 30, 2003 in any portions of the areas listed below shall remain in full force and effect.**

Therefore, the below-listed areas, **provided they are not closed due to bacterial contamination as noted above**, are open to the harvest of shellfish for direct human consumption, effective at sunrise June 29, 2004 and further subject to local rules and regulations under the authority of Massachusetts General Laws, Chapter 130, Section 52.

**STATUS; OIL BAN RESCINDED**

**The ban on shellfishing due to oil has been rescinded in the following portions of the state designated shellfish areas as described below.**

**BB:7 Dartmouth Center Coastal**

"That portion of BB:7 on the west side of Smith Neck in the Town of **Dartmouth**, east of line drawn from the "NO SHELLFISHING" sign at the Cow Yard to the "NO SHELLFISHING" sign at Mishaum Point."

**BB:15 New Bedford/Fairhaven Outer Harbor**

"That portion of BB:15 in the Town of **Fairhaven** northeast of a line drawn from the "NO SHELLFISHING" sign at the western end of Fort Phoenix beach to the

“NO SHELLFISHING” sign at the southernmost tip of Sconticut Neck at Wilbur Point.”

**BB:17 West Island South**

“That portion of BB:17 in the Town of **Fairhaven** south of a line drawn from the “NO SHELLFISHING” sign on the beach at 3 Nakata Avenue on Sconticut Neck to the “NO SHELLFISHING” sign on the beach at the western end of Fishermen Road on West Island and, north of a line drawn from the southernmost tip of Sconticut Neck to the southernmost tip of West Island.”

**BB:32 Sippican Harbor**

“That portion of Sippican Harbor in the Town of **Marion** 100 yards seaward of the Mean High Water Mark between the “NO SHELLFISHING” sign at the northern tip of Planting Island to the “NO SHELLFISHING” sign at the southernmost tip of Sippican Neck located at Butler Point.”

**E:1 Naushon West Coastal**

“That portion of the western shoreline of Naushon Island in the Town of **Gosnold** seaward 100 yards from the Mean High Water Mark.”

**E:4 Gosnold West Coastal**

“That portion of the western shoreline of Pasque Island in the Town of **Gosnold** seaward for 100 yards from the Mean High Water Mark.”

“That portion of Penikese Island in the Town of **Gosnold** seaward 100 yards from the Mean High Water Mark.”

**STATUS: OIL BAN IN EFFECT**

**Pending satisfactory cleanup and sign-off by appropriate agencies, the ban on shellfishing remains in effect in the portion or portions of the following state designated shellfish areas described below. All of these areas shall remain closed to the harvesting of shellfish.**

**BB:5 Little Beach Coastal**

“That portion of BB:5 in the Town of **Dartmouth** north of a line from the “NO SHELLFISHING” sign at the end of Horseneck Road on the eastern end of East Horseneck Beach at the Westport/Dartmouth town line to the “NO SHELLFISHING” sign at Barney’s Joy Point.”

**BB:10 Smith Neck South Coastal**

“That portion of BB:10 in the Town of **Dartmouth** north of a line from the “NO SHELLFISHING” sign at Salters Point to the “NO SHELLFISHING” sign at Round Hill Point.”

**BB:17 West Island South**

“That portion of BB:17 in the Town of **Fairhaven** south of the Goulart Memorial Causeway and north of a line drawn from the “NO SHELLFISHING” sign on the

beach at 3 Nakata Avenue on Sconticut Neck to the “NO SHELLFISHING” sign on the beach at the western end of Fishermen Road on West Island.”

**BB:21 Nasketucket Bay**

“That portion of BB:21 in the Town of **Mattapoisett** northerly of a line from the “NO SHELLFISHING” sign at the southern tip of Brandt Island to the “NO SHELLFISHING” sign on the westernmost end of Howard Beach.”

**BB:20,21,25 Fairhaven East Coastal, Nasketucket Bay, Mattapoisett Harbor**

“Those portions of BB:20, 21, and 25 in the area of Mattapoisett Neck known as Antassawamock in the Town of **Mattapoisett** 100 yards seaward of the Mean High-Water Mark between the “NO SHELLFISHING” signs located at the western end of Narragansett Road and the eastern end of Pleasant View Avenue.”

**BB:50 Megansett Harbor**

“That portion of Scraggy Neck in the Town of **Bourne** 100 yards seaward of the Mean High Water mark between the “NO SHELLFISHING” sign located at the westernmost point of Scraggy Neck and the “NO SHELLFISHING” sign at the southeasternmost tip of Scraggy Neck.”

Under the authority of Massachusetts General Laws, Chapter 130, Section 74A and 75, digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish from closed areas is prohibited.

Under authority of 322 CMR 7.01 (7), all permits issued there-under are hereby conditioned to prohibit the taking, selling or possession of shellfish from closed areas.

Sincerely,

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Paul J. Diodati  
Director

Cc: W. McKeon, J. Hanlon, K. Dolan, P. Hanlon, DELE  
D. McKiernan, M. Hickey, DMF  
R. Packard, WPC, DEP  
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M. Landry, USCG  
Shellfish Constables of above City and Towns